THE HON. DR. T. S. S. RAJAN :—" Dr. Sir Lakshmanaswami Mudaliyar has . . ."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" No need."

THE HON. DR. T. S. S. RAJAN :—" I am thankful to him for the elucidation of the place of socio-religious legislation which he has found time to give us. At the same time, I want him to remember a few facts because of the particular situation in which we are placed. I have already said in the beginning when I introduced the Bill that we have in a way secured the popular opinion, a very large volume of popular opinion, but in spite of it, we have introduced this legislation because we have found it not possible to carry the whole lot of our people to our view and get them to accept this. Therefore the necessity for legislation has arisen. The history of our country shows that whatever may be the amount of freedom that has been given to us by the powers who have ruled over us for so many centuries, the very fact that they have not interfered in our social and religious evolution, because of that very fact, we have degenerated from age to age and we are in the wretched position in which we are to-day. The large body of opinion beyond any shadow of doubt consider that this reform is necessary. But this legislation is necessary to compel those very few Hindus who would still go back to the old times. This would be an insult and disgrace to our society. Therefore, while I accept the fundamental principles which the hon. Member has so ably laid down in his speech, I must confess that the necessity has arisen for the Government to discharge their duties in accordance with public opinion in this matter.

" Besides, we have our election pledges. The Congress Party has been irrevocably committed to the removal of untouchability and temple entry. If we fail in our duty, we would be failing in our promises to the electorate. Therefore, Sir, in view of the promises that we have made to the people, in view of the public opinion prevailing amongst us and in view of the past history of our religion and society owing to the utter disregard shown towards it by the rulers of the country, we are obliged to take up this position. We feel that this measure is absolutely necessary. While accepting the hon. Member's proposition we feel that in the circumstances we are fully justified in bringing this measure before this House.

" The question that the Madras Temple Entry Authorization Bill, 1947 (L.A. Bill No. 9 of 1947) as passed by the Assembly be passed into law was put and carried and the Bill was passed into law."

### THE MADRAS PAYMENT OF SALARIES AND REMOVAL OF DISQUALIFICATIONS (AMENDMENT) BILL, 1947 (AS PASSED BY THE ASSEMBLY)

MR. PRESIDENT :—" The next item on the agenda is the Bill to amend the Salaries Act. If the House should feel that my absence would conduce to the freedom of discussion, I shall have .

THE HON. DR. T. S. S. RAJAN AND SEVERAL OTHER MEMBERS :—" No, no, Sir."

THE HON. DR. P. SUBBARAYAN :—" It is a short Bill and I do not think it will take long. I move—

'*that the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill* [a] 1947 (*L.A. Bill No. of* 1947) *as passed by the Assembly be taken into consideration at once*'." 4–45 p.m.

MR. PRESIDENT :—" The question is that the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill be taken into consideration at once."

* SRI R. SURYANARAYANA RAO :—" Mr. President, Sir, we are thankful to the Government for bringing forward this measure which is long overdue. You may remember when the first Salaries Bill was moved in this House in 1946, members from all sides of the House expressed their desire that the status of the President of this Council should be at least equal to that of the Speaker of the Assembly. We again waited long to see if our wishes would be respected. One morning, on August 31st I think, a *Gazette Extraordinary* was issued in which the Bill further to amend the Madras Payment of Salaries and Removal of Disqualifications Act was published. We waited long to see if that Bill would be introduced in either of the Houses. You may remember my hon. Friend Mr. Farookhi somehow or other tried to bring this matter in discussion on other matters and asked the Government why they had not brought forward the Bill published in a *Gazette Extraordinary* months ago. Anyhow, we are thankful to the Government for bringing forward this Bill at least now. But the Hon. Home Minister has not explained why certain changes have been introduced in the Bill as introduced now."

THE HON. DR. P. SUBBARAYAN :—" Perhaps it will cut short discussion if I intervene and explain. I understand the hon. Member's point, and that is: Why retrospective effect has not been given. As one versed in English jurisprudence, I am always against what, in English jurisprudence, is called *ex post facto* legislation, and that is the reason why retrospective effect has not been provided for. The amount involved may be very small in this case. But if we get into the morass of *ex post facto* legislation and accept the principle, we may come across other matters which will lead us into difficulties. Therefore, as far as I am concerned and as far as the Government are concerned, we are against retrospective effect being given."

MR. PRESIDENT :—" Even if the Hon. Minister had done it, he would have given me the opportunity and the pleasure of disowning it."

SRI R. SURYANARAYANA RAO :—" Yes, Sir, the Hon. Minister has deprived you of that privilege. We are very glad the Hon. Home Minister has enunciated a principle which, we trust, they will follow, in respect of all matters where expenditure is involved."

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[a] Printed as Appendix IV on p. 608 infra.

THE HON. DR. P. SUBBARAYAN :—" The hon. Member has misunderstood me. I said it was a principle of English jurisprudence, and not a matter of spending money. I will gladly give retrospective effect to your salary. But if this is introduced as *ex post facto*, there may come up other legislation wherein this may be demanded. I am talking of the legislative field only."

SRI R. SURYANARAYANA RAO :—" I hope in every legislation which will be introduced in future, the Government will not attempt to give retrospective effect. We are very grateful for this assurance, because certain pieces of legislation are introduced in which Government seek to give retrospective effect. However, we are thankful not because of the emoluments which the Bill seeks to give to the President of the House but because of the status which it confers on him. I wish this Bill had been introduced long ago as soon as it was published and that the Government had not kept us in suspense compelling some of us to refer to this matter in our speeches on other occasions. I am sure I am speaking on behalf of all the hon. Members of this House when I say how very much gratified we are at the fact the Government have after all respected the wishes of the members of this House. With these few words I have great pleasure in supporting the Bill."

K. UPPI SAHIB BAHADUR :—" Mr. President, Sir, it is a matter of very great gratification to us, members of the Opposition. From the very beginning when this House re-started, we have been bringing to the notice of the Government that they have done a great injustice to this House by not raising the salary of the President to the level of the salary of the Speaker of the Assembly. You remember, Sir, it is we that raised the point, not because you did not get more salary, but because we felt that the Government had not shown as much respect to this House as they ought to have shown. You know, Mr. President, that when this House re-started, there was no member of this House on the Cabinet. We felt that the Cabinet as it was then constituted might feel that they had no responsibility to this House. It is a matter of gratification for us that the Government have yielded to our demand. We are thankful to the Government and we congratulate the Hon. Home Minister for rectifying this mistake."

DR. V. K. JOHN :—" I should think, Sir, that the President of the Upper House, whoever he be, should always be given a salary higher than that paid to the Speaker of the Assembly. In your case, Sir, it is all the more so. As far as we are concerned, you have been an ideal President. (K. Uppi Sahib Bahadur : ' Hear, hear.') You will be an ornament to any legislative chamber. If I may say so, your face is your fortune. You have smiled through, and sitting in this House made us smile through our deliberations. You have also maintained the high traditions and the dignity of your office. But I cannot say that you have been strictly impartial. We on this side of this House think that you

have been partial to each and every one of us. But I understand from the other side that they also think that you have been partial to them (The Hon. Dr. Subbarayan : 'Quite so'), with the result that you have been strictly impartial to every section of the House. You have created that impression and I say you have been an ideal President. We are all related not so much with the money that you get but with the feeling that the President of this House gets at least the same pay as the Speaker of the Assembly although my opinion is as I have already said, the President of the Upper House, whoever he be, should get at least one rupee more than the pay of the Speaker of the Lower House."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Mr. President, Sir, perhaps this is one of the very rare occasions when we on this side of this House stand up to congratulate the Government on doing, though belatedly, their duty. Ever since this House was brought into being, we on this side of the House have been thinking that, apart from your personality, it must be given to this House to have a President whose status must be at least equal to that of the Speaker of the Legislative Assembly. We also felt that this House must have equal status, or at least, some status along with the other House in respect of Ministers. You may remember, Sir, that on account of some special reasons, I had to withdraw a resolution standing in my name with regard to appointment of Ministers from among the Members belonging to this House. All that shows not that particular individuals should be given the opportunity to serve as Ministers or that a particular gentleman occupying the high office of President should be given a few rupees, annas and pies more. Whether in the opinion of some there is necessity for this House or not, so long as this House exists, it should be given a status equal to that of the other House. Apart from abstract things as principles in certain cases, personalities do count as was pointed out very rightly by my friend Dr. John. The fact that Leader of the Opposition in the Assembly, Janab Mohamed Ismail Sahib, who is also the President of the Provincial Muslim League, supported this measure and that there was no opposition in the other House goes a long way to show the popularity, high esteem and great regard in which your good self is held by members of both the Houses. For that reasons we are doubly gratified that the status of this House is raised to the status of the other House."

THE HON. SRI B. GOPALA REDDI :—" But it does not cease to be a Second Chamber."

DR. V. K. JOHN :—" Second, but a higher Chamber."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Whether it ceases to be a Second Chamber or not, whether you call it a higher Chamber or not, we wanted that this Chamber should occupy a position equal to that of the other Chamber. Your personality, Mr. President, was to a great extent responsible for the manner in which this proposition was taken up by both the Houses.

" I would like to mention one more point with regard to this. Of course I was feeling, along with my esteemed friend Mr. Suryanarayana Rao, that there seems to be some difference between the Bill as introduced in the House and the Bill that was formerly published. Both of us felt that restropective effect should be given to this . . ."

MR. PRESIDENT :—" I think you need not refer to it."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I am referring to the principle, not to this particular salary. My hon. Friend Dr. Subbarayan just now said that he was against retrospective effect being given and quoted some English law in support of it. I am not a lawyer, and therefore, I cannot cross legal swords with him. But I know that in a higher legislative body than this, which was presided over by no less a person than the late lamented Hon. Mr. Patel under whose Presidentship I had the honour to be a member of the Central Assembly, a resolution was moved.

4-30 p.m. " There was a resolution moved in the Central Legislative Assembly which was permitted by the President and accepted by the Government. The resolution came up before the Central Assembly on Wednesday, the 22nd January 1930. It was moved by my hon. Friend respected by most Members here, particularly by my hon. Friend Dr. Rajan, Maulvi Sayyid Murtuba Sahib Bahadur. The resolution is as follows :—

**'This Assembly recommends to the Governor-General-in-Council that the stipends of the members of the Carnatic Family which were discontinued on account of their participation in the Khilafat movement be restored to them with retrospective effect.'"**

THE HON. DR. P. SUBBARAYAN :—" It is not legislation."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" What I wish to point out is this. Whatever may be brought before this House are executive acts of the Government. If Hon. Ministers do not want to bring any matter before this House, then we will be helpless. What is brought before this House is the executive act of the Government; it may take the form of a Bill; it may take the form of legislation. It is all the will and pleasure of the majority party who forms the Government. If the majority party thinks that any particular thing should be done, they can do so without any excuse. I do not want to say that the Government are wrong. I simply wanted to point out what has happened. I just want to point out that the resolution I have referred to was passed by the Central Legislative Assembly and it was accepted on behalf of the Government by Mr. E. B. Howell, Foreign Secretary of the Government of India. He accepted the whole resolution in toto without opposing the question of retrospective effect in the Assembly. Therefore I submit that, whatever be the intention of the Government in the present case, it should not be made a rule because there may be certain cases where retrospective

effect may have to be given. It is unfortunate that in this particular case, the Minister in charge thought it fit that it should not be made a precedent. Anyhow as I have said just now, we are glad that this matter has been brought before this House.

"I want to refer to one more point. Apart from the increase in your salary, Mr. President, which is now taken for granted—as this Bill is going to be passed into law—in other matters also such as the question of sending the Speaker of the Assembly to England and other foreign countries to study Parliamentary procedure, I should like to impress upon the Hon. Ministers that they should also take into consideration the question of the status of this House and see that the same previlege is extended to this House also; I say not to you, because anything to the President is a privilege shown to this House. Therefore I feel grateful to the Government for having brought forward this measure; I feel they have done justice to this House, though it is belated justice."

MR. PRESIDENT :—"The question is—

'*The Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill*, 1947 (*L.A. Bill No.* 10 *of* 1947), *as passed by the Assembly be taken into consideration at once*'."

The motion was put and carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. DR. P. SUBBARAYAN :—"Sir, I now move that the Bill be passed into law. In doing so, I am glad I have known you for 38 years since we joined the Christian College together in the B.A. class. I am glad you have made such an impression in this Council as to be regarded as its friend. As my hon. Friend, Dr. John, pointed out you seem to have a pleasing word to everybody, because hon. Members seem to think that not only to Members of the Opposition but also to Members of the Government, you are partial. I am sure you are not, because you are doing your duty of carrying out the traditions of the office of Presidents in this House. If it had been possible, I might have accepted the amendment with regard to retrospective effect of your salary. But I do not feel it is right that we should trench upon certain decisions with regard to retrospective effect. I hope my hon. Friends on the other side of the House will reconsider the matter because I do feel very strongly over this matter. I feel we shall be trenching upon the well-known principle of English jurisprudence which has been followed even on the other side of the Atlantic. My hon. Friend, Dr. John, was referred to it. As my hon. Friend, Sir Lakshmanaswami Mudaliyar whispered, Dr. John and I may lose our jobs because we depend on English Jurisprudence. We have to depend on it; we continue to depend on it for some time longer.

Whatever may be the condition of the country, I hope what has been given to us of English Jurisprudence will be continued because we know what the Englishman has done in his long history is the rule of Law, which I think, helps the people a great deal. I hope whatever may be the situation we may find ourselves in we will act up to this ideal which has been put before us during the last 150 years. I am glad that a mistake which has been made is being rectified to-day. I entirely agree with hon. Members and I wish it had been done before. But there is the English proverb ' better late than never '.''

MR. PRESIDENT :—'' The question is—

' *The Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill.* 1947 (*L.A. Bill No.* 10 *of* 1947) *be passed into Law* '.''

The motion was carried and the Bill was passed into law.

MR. PRESIDENT :—'' Hon. Members think that this is not really a personal matter; yet it is a matter which concerns the present occupant of the Chair. Therefore I ought to tell hon. Members how I feel on this occasion. First of all, I congratulate the Government, not only this Government but the previous Government also, for having corrected a mistake which crept in I knew very unintentionally. I am sure the previous Government had no intention of discriminating between this Chair and that of the other House. It was a real mistake which nobody noticed at the beginning. But when the matter was brought to the notice of the previous Prime Minister, he was willing to correct the mistake. But for various reasons for very good reasons, the Bill could not be brought before this House earlier than now. My thanks, also my gratitude, are due to both this Government and the previous Government for rectifying this obvious mistake.

'' Secondly, I must thank all hon. Members who have spoken and also those who, by their silence, have given their hearty approval to this measure, for the very kind words they have expressed on this occasion. As I told hon. Members, ever since I took up this office, it has been my endeavour to deserve your confidence and your goodwill. To-day I feel God has vouchsafed to me such good fortune that I am able to hear some good words, kind words spoken of me. Though this is not an occasion for me to lay down my office, yet, an occasion has arisen when an opportunity has been given to hon. Members to express their opinion about me and my work. If I have done anything to deserve your confidence and goodwill, I feel that I have done my duty and in all humility I offer my thanks to Almighty who has vouchsafed such good fortune to me. I should not let this opportunity pass without thanking hon. Members of the other House. I know how hon. Members of his House have been feeling on this matter and it is but natural that they should be anxious to pass this Bill, and to see that the dignity of the Chair of this House is maintained in

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its proper level. That cannot be said of the other House. I am indeed very very grateful and highly thankful to hon. Members of the other House who have unanimously passed this Bill and expressed their goodwill and kindness they feel towards me. With these few words I once again thank the Government for having brought forward this Bill and I express my high sense of thankfulness to hon. Members of this House.''

The House will meet again at 3 p.m. on Monday the 21st April 1947.

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. *G.O. No. 218, Finance, dated 29th March 1947, relating to the Schedule of Authorized Expenditure for 1947–8 as authenticated by His Excellency the Governor.*

2. *G.O. No. 223, Finance, dated 30th March 1947, relating to the Schedule of Supplementary Statements of Authorized Expenditure, for 1946–47 as authenticated by His Excellency the Governor.*

3. *G.O. No. 4678, Development, dated 23rd December 1946, relating to Khadi Scheme submitted by the Provincial Textile Commissioner.*

4. *The Madras Temple Entry Authorization Bill, 1947 (L.A. Bill No. 9 of 1947) passed by the Assembly and received therefrom in the Council.*

5. *The Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1947 (L.A. Bill No. 19 of 1947) passed by the Assembly and received therefrom in the Council.*